

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MARTIN EVERETT RIVERS,

CV. 06-28-ST

Plaintiff,

ORDER TO DISMISS

v.

DENNIS ALLEN, BYRON MOORE,  
BRYCE MERILL, J. STOUT, and  
BERNIE GIUSTO,

Defendants.

PANNER, District Judge.

On March 3, 2006, the court denied plaintiff's Application to Proceed *In Forma Pauperis* and ordered him to file an amended application within 30 days or face dismissal.

On March 28, 2006, plaintiff filed a Motion to Withdraw Complaint (docket #5) in which he asks the court to dismiss this action and allow him leave to refile within 20 months. The court GRANTS plaintiff's Motion and DISMISSES this action. Plaintiff is granted leave to reopen the case upon the filing of an amended

complaint within 20 months. The statute of limitations is tolled pending the filing of an amended complaint.

IT IS SO ORDERED.

DATED this 13th day of April, 2006.

/s/ Janice M. Stewart  
Janice M. Stewart  
United States Magistrate Judge